

## Message Text

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PAGE 01 STATE 267313

64

ORIGIN EUR-12

INFO OCT-01 ISO-00 JUSE-00 TRSE-00 SEC-01 L-02 SCSE-00

RSC-01 /017 R

DRAFTED BY EUR/CE:BAFLATIN:LCB

APPROVED BY EUR/CE:SGEORGE

JUSTICE:LCHAMBLEE

----- 096381

P R 052133Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY BERN PRIORITY

INFO AMCONSUL ZURICH

UNCLAS STATE 267313

E.O. 11652:N/A

TAGS: CFED (FIRST LIBERTY FUND CASE), SZ

SUBJECT:JUDICIAL ASSISTANCE: JUSTICE REQUEST FOR SWISS  
BANK WITNESSES

REF: BERN 4522

1. RE EMBASSY'S QUESTION IN PARA 1, REFTEL, JUSTICE WOULD  
INDEED LIKE TO HAVE TESTIMONY FROM BOTH BRUCE RAPPAPORT  
AND THE BANK'S CUSTODIAN OF RECORDS (THE LATTER OFFICIAL  
WOULD BE PRESUMABLY MORE ABLE TO ANSWER DETAILED QUESTIONS  
ABOUT BANK DOCUMENTS THAN WOULD RAPPAPORT).

2. RE THE EMBASSY'S QUERY IN PARA 2, REFTEL, JUSTICE  
DOES NOT HAVE ANY ADDITIONAL INFORMATION THAT WOULD  
SUGGEST THAT THE SWISS BANK CORPORATION HAS CHANGED ITS  
POSITION. IF THE SBC IS STILL UNWILLING TO SEND AN OFFICER  
TO THE US, WOULD IT BE POSSIBLE TO ARRANGE FOR A DEPOSITION  
BEFORE A U.S. CONSULAR OFFICER IN SWITZERLAND, AS IN THE  
HAY CASE? (THIS TIME, HOWEVER, WOULD THE SWISS AUTHORITIES  
PERMIT THE DEPARTMENT OF JUSTICE REPRESENTATIVE TO ASK THE  
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PAGE 02 STATE 267313

DIRECT QUESTIONS, INSTEAD OF THE CONSULAR OFFICER?)

JUSTICE ALSO PROPOSES THAT A REPRESENTATIVE OF THE DEFENSE  
BE PRESENT. WHAT WOULD BE THE LIMITS OF HIS PARTICIPATION

FROM THE SWISS VIEWPOINT? ESSENTIALLY, THE JUSTICE  
REPRESENTATIVE WOULD BE ASKING THREE QUESTIONS:

A. "ARE YOU THE CUSTODIAN OF THESE DOCUMENTS?"

B. "ARE THESE DOCUMENTS TRUE AND ACCURATE COPIES OF  
RECORDS KEPT IN THE COURSE OF SBC BUSINESS?"

C. "WERE THE ENTRIES ON THESE DOCUMENTS MADE AT ABOUT  
THE SAME TIME AS THE TRANSACTIONS THEY REFLECT?"

3. HENCEFORTH ON ALL TELEGRAPHIC TRAFFIC INVOLVING  
JUDICIAL ASSISTANCE MATTERS THE EMBASSY IS REQUESTED TO  
HEAD THE SUBJECT LINE WITH THE SLUG "JUDICIAL ASSISTANCE:". THIS  
WILL ASSIST IN THE ORDERLY DISTRIBUTION OF THESE TELE-  
GRAMS AT JUSTICE, TREASURY, AND THE SEC. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Subject:** UDICIAL ASSISTANCE: JUSTICE REQUEST FOR SWISS BANK WITNESSES  
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